

**REMARKS**

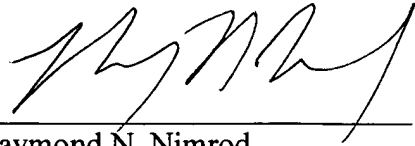
Applicant has amended the specification as the Examiner requested with respect to the related application information. Applicant notes that the application is a continuation-in-part of Application No. 09/798,453 filed on March 2, 2001. Applicant believes that the continuing application data is now correct.

The Examiner has rejected pending Claim 1 under 35 U.S.C. §102 on the basis of Gast, U.S. Patent No. 5,747,480. The Examiner notes that Gast teaches a hormonal method for birth control which “comprises a phase which combination of a progestin at a daily dosage equivalent in progestational activity to 40-125µg levonorgestrel and an estrogen at a daily dosage equivalent in an estrogenic activity to 10-20µg ethinyl estradiol.” The applicant notes that claim 1 requires more levonorgestrel, namely at least 0.25mg (250µg of levonorgestrel). Applicant therefore submits that the 102 rejection should be removed on the basis.

Examiner has also rejected the claims based on obviousness-type double patenting over Claim 1 of U.S. Patent No. 6,511,970. The Examiner’s rejection is based on the concept that levonorgestrel and norgestrel are recognized in the art as being functionally equivalent, citing Chien U.S. Patent No. 4,906,169. Applicant notes that the Chien reference does not state that these progestins are functionally equivalent for all oral contraceptives. Applicant submits that Chien merely stated that suitable progestins could be used for his particular invention, including norgestrel and levonorgestrel. This is not a teaching that these progestins are equivalent and fully interchangeable. Applicant respectfully traverses the obviousness-type double patenting on that basis.

Applicant respectfully submits that the Claim 1 and new claims 2 to 26 are allowable.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ray N. Nimrod', written over a horizontal line.

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